

## ED STATES PATENT AND TRADEMARK OFFICE

10/758,281 Application No.

Confirmation No.: 5142

First Named Inventor

Karl-Ernst NOREIKAT January 16, 2004

Filed

TC/A.U. Examiner 1746 K. O'neill

Docket No.

095309.53123US

Customer No.

23911

Title

Method of Operating a Fuel Cell System

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R § § 1.97 AND 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

## I. Time Period of Submission

This Information Disclosure Statement is submitted:

	1) r	no later than	three	months fro	n the	applica	tion's	filing	date
or 2) before	the mail	ling date of t	he first	Office Acti	on on	the mer	rits (wl	hichev	er is
later) or 3) !	oefore a	first Office A	Action a	fter the fili	ng of	a Reque	st for	Contir	ıued
Examination	n, and t	herefore no s	stateme	nt under 3'	7 C.F.	R. § 1.9	7(e) or	fee ui	nder
37 C.F.R.§ 1	.17(p) is	required.							

after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (Ex parte Quayle), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

	a Statement under	37	C.F.R.	§	1.97(e); or
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 $\boxtimes$ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

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a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)
I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or
III. Statement under 37 C.F.R. § 1.704(d)
I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.
IV. Submission of Non-English Language Documents
☐ The following is a concise explanation of relevance of the non- English language documents listed in the attached Form PTO-1449:
The relevance of document(s) to the subject matter of the present invention is/are provided in the specification of the above-identified application.
Corresponding foreign or international report(s) citing document(s), together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.
English language family member publication(s) of document(s) AB is/are noted on Form PTO-1449.
English language abstract(s) is/are submitted for document(s)  AA.

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			Applicant	submits	the	following	explanations:
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since	e they	, filed n 37 C. were pr	l F.R. §1.98(d),	_, from which copies of the nitted to or c	ch this a le docur cited by	application cla nents are not the United St	ation Serial No. ims benefit. As being provided ates Patent and
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July	31, 20	06		James James	Laim es F. Mc		
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PTO/SB/08a (08-03) Approved for use through 07/31/2006. OMB 0651-0031

095309.53123US

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Under the Paperwo TRADE Complete if Known Substitute for form 1449A/PTO **Application Number** 10/758,281 INFORMATION DISCLOSURE Filing Date January 16, 2004 STATEMENT BY APPLICANT Karl-Ernst NOREIKAT First Named Inventor Art Unit 1756 **Examiner Name** K. O'Neill (use as many sheets as necessary)

Attorney Docket Number

1

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Sheet

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U.S. PATENT DOCUMENTS								
Examiner Initials'	Cite No.1	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			
		US-						
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	FOREIGN PATENT DOCUMENTS								
Examiner Initials'	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> –Number <sup>4</sup> –Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>			
	AA	DE 199 31 061 A1	01-11-2001	Mannesmann AG		ABS			
	AB	DE 696 03 608 T2	08-17-2000	DBB Fuel Cell Engines GmbH					
	AC	EP 0 842 548 B1	08-04-1999	DBB Fuel Cell Engines GmbH	Corresponds to AB above				

Examiner	Date	
Signature	 Considered	_

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.